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**DEPARTMENT OF HUMAN SERVICES  
MAINE PUBLIC ASSISTANCE MANUAL  
Temporary Assistance for Needy Families**

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**LEGAL BASIS:** Federal legislation, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193 enacted August 22, 1996 provides states with an opportunity to administer a financial aid and job preparation program. As a condition of receipt of a Part -A, Block Grant for Temporary Assistance for Needy Families (TANF) under Title IV of the Social Security Act, Maine agreed to administer a welfare program in accordance with the rules of PRWORA, provisions of its State Plan, and all applicable State laws and regulations.

**GENERAL RULE:** TANF provides temporary financial assistance to families of needy, dependent children who are deprived of parental support or care because of the death, continued absence or incapacity of a parent, or the underemployment of the principal wage earner while the family works towards becoming self-supporting.

**PROGRAM REQUIREMENTS:** Basic eligibility criteria and program requirements are contained in chapters I through VII and are arranged by subject. Chapter order follows the eligibility determination process generally used for new applicants.

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**CONFIDENTIALITY**

**GENERAL RULE:** The Department of Human Services must by Federal and State rules provide for the basic rights and dignity of all applicants or recipients of financial services regarding their confidentiality. The Department must ensure that information about the recipient is maintained in a confidential manner and only released under certain circumstances.

**NOTE:** All employees of the Department must adhere to this policy.

Information requested from outside the Bureau of Family Independence shall be released by the following:

1. **Permission:**

Whenever possible, the individual shall be informed of any outside request for information. Permission for release of information shall either be provided by the inquiring source or requested from the recipient. In an emergency situation when a release cannot be obtained and releasing the information would be in the best interest of the client, they shall be notified promptly of the disclosure and the reason for it.

**NOTE:** No information will be released to absent parents without release from Caretaker Relatives.

2. **Subpoena:**

When the court subpoenas a record or an agency representative to testify concerning an applicant or recipient, the Department's representative will bring to the court's attention the statutes and regulations regarding disclosure. The decision then rests with the presiding judge.

**NOTE:** The above conditions apply to requests from other government authorities, courts and law enforcement agencies unless the situation is described in 3-f.

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**CONFIDENTIALITY (Cont.)**

3. Program Administration:

The release of information shall be limited to programs which establish eligibility and provide services through agencies subject to comparable standards of confidentiality. Information will be released for the following:

- a. Investigation and Recovery
- b. Fair Hearing Preparation: All information pertaining to a decision on eligibility, including medical and social data will be made available to the applicant or recipient or their authorized representative.
- c. General Assistance: Financial information necessary to make a determination as to the need and amount of General Assistance. Medical reports will not be released without the individual's written permission.
- d. Medicaid Providers: Information regarding an individual's eligibility in a given month will be made available to hospital's, doctors, pharmacists and other medical providers to bill for their services.

**NOTE:** Federal regulation prohibits release of addresses and phone numbers to providers. Their billing requires names, Medicaid numbers, birth dates, and gender.

- e. Preventive Health Program: This agency may need updated information on a residence address or phone number in order to provide on-site services.

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- f. Law Enforcement: The current address of a recipient will be provided to a Federal, State or local law enforcement officer on request of the officer if the officer provides the agency with:

1. the recipient's name and enough information to identify the individual, and
2. notification that the individual is fleeing to avoid prosecution or custody or confinement after conviction or that the individual has information that is necessary for the officer to conduct the official duties of the officer and the location or apprehension of the recipient is within such official duties.

- g. Other Social Service Agencies: Information will be made available upon receipt of written authorization from the individual.

**NOTE:** This is not required of Social Services within the Department; however, they will be required to seek permission of the Worker to access the record and may not remove it without permission.

- h. Suspected Child Abuse or Neglect: Information regarding suspected child abuse or neglect of any child on the assistance grant must be reported to Department of Human Services Bureau of Child and Family Services. Also information must be released to any local or state agency or official legally authorized to investigate child abuse and neglect under Maine law.

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**CONFIDENTIALITY (Cont.)**

- i. Immigration and Naturalization Service: Information regarding "counterfeit, altered or fraudulent documentation" used to obtain benefits shall be requested by INS in writing for criminal investigation.

**CASE RECORD PURGING:** All case record material may be destroyed after 3 years.

**NOTE:** The only exception to this is a case referred to Investigation and Recovery or the Attorney General's Office for collection or prosecution. These cases shall be marked "Do Not Destroy".

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**APPLICATION PROCESS**

**GENERAL RULE:** All individuals have the right to file an application for TANF or PaS benefits. An application for TANF or PaS is considered an application for Medicaid. Eligibility for financial assistance and for Medicaid is determined separately.

Individuals should be encouraged to file an application as soon as possible, since benefits will be calculated from the date of application or from the date of statutory eligibility, whichever occurs later.

The applicant or their representative must complete and sign, under penalty of perjury, an application and be interviewed face-to-face. Furthermore, all applicants must attend an orientation meeting within thirty (30) days of application and must sign a Family Contract. In addition, all other filing unit members who are mandatory ASPIRE-TANF participants must attend an orientation meeting within thirty (30) days of application and sign a Family Contract. Eligibility will be determined after both the initial interview and the orientation meeting are completed.

**NOTE:** All filing unit members who are mandatory ASPIRE-TANF participants as well as all applicants must attend a TANF orientation meeting to complete the application process unless good cause exists. (See good cause below.)

Exception: If the application date is less than ninety (90) days since the applicant or mandatory ASPIRE-TANF participant last attended an orientation meeting, it is not necessary for the individual to attend an orientation meeting to complete the application process.

**NOTE:** An orientation meeting is usually held at a Department Office, but can be held at a place other than the Department's offices. It may be at an applicant's home or at another meeting site. The attendance and date of attendance will be discussed at the initial interview. If the client can't attend the regularly scheduled interview, staff will arrange an alternative date or location at that time.

Good cause exists when the individual or the child is a victim of domestic violence, (which includes physical injuries or the psychological effects of abuse), and participation in ASPIRE TANF could result in physical or emotional harm to the child or other family member. Domestic violence victims may volunteer to participate in an orientation meeting.

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**APPLICATION PROCESS (cont.)**

**NOTE:** The full definition of domestic violence for the purpose of good cause is the inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:

- a. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or
- b. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual.

**EXCEPTION:** When circumstances beyond the control of an applicant or mandatory ASPIRE-TANF participant prevents them from attending an orientation meeting within 30 days, the Department will grant the application, if otherwise eligible, and require the completion of the orientation meeting within the second 30 days of application.

Examples:

1. Illness or incapacity of the participant or dependent children. Verification by a physician may be required.
2. Court-required appearance or incarceration.
3. Lack, or breakdown, or necessary supportive services such as child care or transportation, with no appropriate alternative available at no additional cost to the participant or the program.
4. Inclement weather which prevents the participant from traveling to an activity which is severe enough to prevent other participants from traveling to the same activity.

**NOTE:** The initial month's benefit is prorated according to the Table of Percentages in the Appendix.

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**APPLICATION PROCESS (cont.)**

**The Process:**

Orientation to TANF programs begins with the initial interview. During the initial interview of the application process, the Department shall provide applicants with information about coverage, conditions of eligibility and rights and responsibilities including information, both orally and in writing, of the availability of services for victims of domestic violence. If an applicant or other mandatory ASPIRE-TANF participant indicates that there is a reason not to attend the Orientation meeting, staff must determine whether they qualify for "good cause". An individual may not be required to participate in any TANF activity including the orientation meeting until the good cause determination is made.

**NOTE:** When a determination of good cause is made, the ASPIRE-TANF program may contact the individual and offer domestic violence victim services or other appropriate services including an orientation meeting on a voluntary basis.

During the initial interview, a representative of the Department and the TANF or PaS family must enter into a contract by signing a form referred to as the Family Contract. The Family Contract states the responsibilities of the parties to the agreement including, but not limited to, cooperation in child support enforcement and determination of paternity, the requirements of ASPIRE-TANF Program participation and referral to parenting activities and health care services.

**NOTE:** Signing the Family Contract does not waive the person's right to appeal anything in the Family Contract with which they disagree.

**NOTE:** Individuals can refuse health care services if such services are prohibited by their religious beliefs.

The Family Contract must be signed by TANF or PaS parents or caretaker relatives. The Family Contract will be amended to include individual employability plans as filing unit members enter the ASPIRE-TANF program and when participation review occurs. Written copies of the Family Contract and notice of the right to a fair hearing must be given to the individual at the initial signing and whenever the Contract is amended.



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**APPLICATION PROCESS (cont.)**

**REFUSAL TO SIGN THE FAMILY CONTRACT:** When a parent or caretaker relative refuses to sign the Family Contract they will be sanctioned. The sanction will follow the policy pertaining to non-compliance with the ASPIRE-TANF Program.

**NOTE:** After the parent or caretaker relative is granted TANF or PaS, if they fail to comply with either child support requirements or with ASPIRE-TANF requirements without good cause, DSER or ASPIRE-TANF staff will notify TANF eligibility staff who will apply appropriate sanctions described in Chapters II and VI.

Failure to comply with ASPIRE-TANF referrals to parenting activities or health care services without good cause will result in review and evaluation of the reason for noncompliance and may result in sanctions.

**Responsibility of Bureau Staff:**

Bureau staff or their representative will advise all TANF or PaS applicants and recipients of the availability of the ASPIRE-TANF program and other services, including the following:

1. education, employment, and training opportunities available;
2. supportive services available during participation, and transitional services available when TANF or PaS eligibility stops;
3. assistance in establishing paternity and obtaining child support and reminding them of their responsibility to cooperate;
4. the grounds for exemptions from participation and the consequences for refusing or failing to participate. Also volunteers will be informed that their failure to participate will not result in sanctions.
5. Information about the PaS Program.
6. information about Earned Income Tax Credit.
7. the criteria which must be met to remain eligible beyond sixty months.

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**APPLICATION PROCESS (cont.)****Medicaid**

All applicants who are eligible for Medicaid will have retroactive medical eligibility determined for three months prior to the date of application unless they waive consideration for all or part of the period. can only be authorized coverage for up to 3 consecutive month(s) immediately prior to the month of application. If medical coverage is requested for all three months but excess income or assets causes ineligibility for one or more of the months, staff will determine eligibility for other medical assistance programs. Applicants are notified of the decision regarding prior Medicaid coverage.

**EXAMPLE:**

Application month November

Eligibility is determined by the TANF and PaS Worker for:

October, September and August

October and September

October

Eligibility is determined by the TANF and PaS Worker for:

October and August (excluding September)

September and August (excluding October)

August (excluding October and September)

**NOTE:** Adding an individual to an ongoing case will not require an application form, however the individual will be considered an applicant. With the exception of newborns, eligibility will begin with the date of report to the Department. A newborn is added from the date of birth when the Eligibility Worker has prior knowledge of the expected birth. Otherwise, the newborn is added from the date of report.

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**APPLICATION PROCESS (Cont.)**

**Time Standards**

A decision will be rendered so that eligible applicants will receive a check within 45 days. Because of the time required to convert an authorization for payment into a check, a decision must be made within 30 days. This time standard will not be used as a waiting period or as a basis for denial.

When an applicant refuses to provide required information or verification the Eligibility Worker:

1. makes sure the applicant understands that benefits will be denied unless the information is provided,
2. documents the refusal, and denies the application.

When an applicant fails to provide required information or fails to contact the agency by a specified date, the Eligibility Worker:

1. documents the failure to contact or provide required information, and
2. denies the application after the specified date.

When an applicant has good cause for failing to provide required information, the Eligibility Worker:

1. offers to provide assistance in obtaining the information;
2. waives a requirement under extraordinary circumstances when the proof is unlikely ever to be available and obtaining it is outside the control of the client or agency;
3. keeps the application pending an additional 30 days while the client or agency continues their attempt to get the required proof;
4. grants the application back to the original date of application when required proof is obtained within the second 30 day-period providing that the client is eligible to that date; or

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**APPLICATION PROCESS (Cont.)**

5. denies the application when the required information is not provided within the second 30-day period.

When an Eligibility Worker determines the client does not have good cause, they:

1. document the explanation given for the failure and why it does not establish good cause, and
2. denies the application.

**Good Cause Reasons Include:**

1. Natural disasters, such as fires or floods, having a direct impact on the applicant/recipient or an immediate family member.
2. Illness of such severity on the part of the applicant/recipient or an immediate family member that the applicant/recipient is unable to direct his or her personal affairs.
3. Refusal of an employer to provide earned income verification, or the unavailability of an employer to provide verification before the deadline.
4. Lost or stolen mail.
5. Refusal of a landlord to verify housing expense.
6. Death of the applicant/recipient or an immediate family member.
7. Inability of a third party (e.g. Social Security Administration) to provide the necessary documentation within the designated time period.

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**APPLICATION PROCESS (Cont.)**

**Verification and Documentation**

Necessary clarification is first sought from the applicant and the documents furnished by the applicant. With the exception of public records, information will be gathered only with the applicant's knowledge. In the event of inconclusive or conflicting information, the applicant will be advised as to what questions remain unanswered and what needs to be provided.

Some examples of situations requiring additional information:

1. discrepancy in income or resources
2. parent deceased, no Social Security income declared
3. unemployed, no unemployment declared
4. changes in reason for deprivation
5. information incomplete
6. community complaints
7. evidence of potential resources

The applicant has the primary responsibility for providing verification to support statements made on the application. If the applicant cannot supply or has difficulties in obtaining the required verification, the Eligibility Worker must assist the applicant.

Some examples of verification: wage stubs, employer statements, award letters, bank statements, and collateral contacts.

When the applicant does not give consent for collateral contact, the application will be denied unless good cause is granted or another acceptable means of verification can be obtained.

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**APPLICATION PROCESS (Cont.)**

Some examples of good cause:

1. an employee feels they would get fired if a collateral contact was made, or
2. a foreign government refuses to verify an ex-employee's wages.

All case files must be documented to support such decisions.

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**Verification Other Than at Application:**

The same verification procedures that are used for initial application will be used in subsequent eligibility and benefit level decisions.

**Applicant Notification**

Notification of approval is in writing and contain the following:

1. dates of financial eligibility

**NOTE:** Applicants are notified of their Medicaid eligibility separately.

2. income used to determine eligibility and benefit level
3. regulation supporting approval
4. explanation of applicant's right to a fair hearing

Notification of denial will be in writing and contain the following:

1. statement of denial action
2. reason for denial
3. citation of policy supporting denial
4. notification of potential eligibility for medical assistance
5. explanation of applicant's right to a fair hearing

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**NON-PAYMENT SITUATIONS**

**GENERAL RULE:**

Although eligibility may exist there are some situations in which a TANF or PaS payment cannot be made.

**Concurrent Assistance**

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1. **TANF or PaS:** Individuals cannot be included as members in more than one filing unit in the same month; nor can there be more than one set of caretaker relatives in the same month. This also applies to individuals moving from one state to another.

**NOTE:** In the event another state pays semi-monthly and the recipient received only half of the monthly benefit, that individual will be eligible for a partial monthly benefit from Maine. If the client applies in the first half of the month, the Eligibility Worker prorates from the first day of the second half of the month. If the client applies during the second half of the month, the date of application is used for proration.

**NOTE:** Count the TANF payment received in the previous state. Do not count other income received in the previous state because it was considered in the calculation of that state's TANF payment.

2. **SSI:** See Filing Unit, See Chapter II.
3. **Foster Care:** See Filing Unit, See Chapter II.
4. **Interstate Compact:** See Relationship and Maintenance of a Home, Chapter II

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**NON-PAYMENT SITUATIONS (cont.)**

**Penalties for Convictions:**

TANF assistance will not be provided for any individual who is:

- 1) convicted in Federal or State court of having made a fraudulent statement or representation with respect to the place of residence of the individual in order to receive assistance simultaneously from two or more states under funds provided through the TANF Block Grant, Medicaid, the Food Stamp Act of 1977, or the Supplemental Security Income (SSI) program. These individuals are ineligible to receive TANF benefits for a period of ten years from the date of conviction.

**NOTE:** The prohibition from receipt of assistance does not apply to any months following the granting of a pardon of such a conviction by the President of the United States.

- 2) fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual flees, for a crime, or an attempt to commit a crime, which is a felony under the laws of the place from which the individual flees (referred to as a "high misdemeanor" in New Jersey) or
- 3) violating a condition of probation or parole imposed under Federal or state law.
- 4) convicted of drug-related felonies when the conduct of such a felony occurred after 8/22/96.

**NOTE:** Implementation of this rule begins 9/1/97. The sanction lasts a life time, unless pardoned by the President of the United States.



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### **REDETERMINATION PROCESS**

**GENERAL RULE:** All cases must have eligibility for continued assistance redetermined periodically.

#### **Redetermination of Eligibility**

Redetermination requires the submission of a signed form and an interview. A face-to-face interview is required at least once a year. When a face-to-face interview is not required, a contact by phone or mail must be made. The recipient and/or representative is allowed the entire month of review to complete the process.

**NOTE:** At least once a year, the Department will inform recipients of the criteria that must be met to remain eligible beyond 60 months.

The recipient must be notified of the results of the review using timely and adequate notice procedures.

1. An initial review must take place before or in the third month of eligibility for all cases with earnings. This review must be complete with the exception of the face-to-face requirement.
2. All other reviews must take place at least every six months. In some situations the Eligibility Worker may wish to shorten the review period to coordinate it with anticipated changes or to monitor cases with changing situations.
3. As in the application process the recipient has the primary responsibility for providing verification to support statements made on the review form. If the recipient cannot supply or has difficulty in obtaining the required verification, agency staff will assist them.

#### **Quality Control Review**

TANF and PaS households who refuse to cooperate in any quality control review will not be eligible for benefits until they comply.

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**CHANGE PROCESS**

**GENERAL RULE:** All individuals are required to report changes which affect eligibility. The Eligibility Workers are required to act on reported changes timely.

**Timely Reporting**

All changes in circumstances such as income, assets, household composition, marital status and residence must be reported within 10 days of occurrence. For income purposes "occurrence" is the date the change in income is received.

**EXCEPTION:** Families must report within 5 days of the date it becomes clear that a child will be out of the home for 45 days or more.

**NOTE:** When changes are reported timely, the month in which the change occurred will be considered a correct payment month even when ineligibility begins in that month.

**Treatment of Changes**

A change resulting in an increase in benefits will affect the next payment. If the increase cannot affect the next payment a corrective payment will be authorized.

**NOTE:** With the exception of adding individuals, changes resulting in grant increases will not receive a supplement for the month of report. (See Application Process - Chapter I). Supplements are issued for grant increases resulting from the addition of an individual to an ongoing grant. The supplement is prorated from the date that the individual entered the household or met eligibility requirements or complied with ASPIRE or DSER requirements.

A change resulting in a decrease in benefits shall affect the next payment depending on timely notice requirements.

Earned income disregards will not be allowed in determining overpayments when an individual failed, without good cause, to report timely. (Good Cause reasons are found in Chapter III, Disregards.)

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**CHANGE PROCESS (Cont.)**

Changes in Deprivation Factors

When a change in a deprivation factor occurs (the absent parent returns, the Principle Wage Earner obtains a job, or incapacity ends) a redetermination of eligibility must occur.

Existing information in the case file should first be reviewed to determine if eligibility can be granted. If existing information is inconclusive, the client will be notified in writing of what additional information is needed to determine eligibility and that if the additional information is not provided by a specific date (10 days), the case will be closed because of staff's inability to determine continued eligibility.

**NOTE:** TANF and PaS benefits will not be continued unless the recipient appeals the termination. However, if the recipient provides information after the closure which demonstrates that eligibility continued to exist, retroactive benefits must be granted for the period of time during which eligibility existed.

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**TIMELY/ADEQUATE NOTICES**

**GENERAL RULE:** Timely and adequate notice will be given the recipient when the action is to discontinue or reduce the payment. Adequate notice will be given when the action is to increase or continue the payment at the same level.

Timely notice must be mailed 12 days before the change is effective. (10 days for notice - 2 days for mailing)

Adequate notice includes a statement of:

1. the action the Department intends to take
2. the reason for the action
3. the policy citation supporting the action
4. an explanation of the right to request a hearing and, if it is requested within 12 days from the date of the notice, the benefit can continue at the previous level until a decision is made after a hearing. If the Agency is upheld, the continued benefit must be repaid.

Exceptions: Timely notice is not required in the following instances:

1. The recipient or the payee dies,
2. The recipient requests in writing that the case be closed,
3. The recipient has been committed to a public non-medical institution,
4. The recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization,
5. The recipient's whereabouts are unknown and departmental mail has been returned, or
6. A child is removed from the home as a result of a judicial determination.

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**TIME LIMITS**

**GENERAL RULE:**

1. *Alternative Aid* is limited to once in a lifetime per family.
2. *Emergency Assistance* is limited to a 30 day period once a year per family.
3. *PaS* Assistance is not subject to time limits.
4. *Federal TANF Assistance* will not be given to a family that includes an adult who has received assistance for 60 or more months, whether or not consecutive, under any program funded with Federal Funds which are part of the TANF Block Grant, except that states are permitted to extend benefits funded with the Federal/TANF Block Grant beyond 60 months to up to 20% of their caseload. States may also continue benefits to families using State only funding. The Maine Legislature has elected to continue benefits under the following conditions:

Families subject to the 60 month limit in which an individual has received benefits as an adult for 60 months will continue to receive TANF assistance provided that they are complying in all respects with TANF Program rules. Those individuals who have had three or more sanctions imposed during their receipt of TANF as an adult will not have their needs included in the calculation of the benefit for the family until they have served a penalty period equal to the length of time imposed by their last sanction.

**NOTE:** State Law will be implemented in the following way as long as family members follow all the program rules:

- a. *60+months, under 3 sanctions, no sanction being served:* If no family member is sanctioned in month 60 or after, and family members have fewer than 3 sanctions, the whole family will continue to receive TANF.
- b. *60+months, under 3 sanctions, sanction being served:* If a family member is sanctioned in month 60 or after, he or she does not get TANF until their sanction is fully served. The rest of the family will receive TANF.

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- c. *60 + month, 3 or more sanctions, no sanction being served:*  
If someone in the family has been sanctioned 3 or more times, that person will be removed from the TANF grant after 60 months. The 60+ month penalty period is equal to the time of their last sanction imposed. The rest of the family will get TANF. Family members must still follow program rules, even during the penalty period.
- d. *60 + month, 3 or more sanctions, currently serving sanction and complying with all TANF rules:*  
If a family member is serving their third or more sanction in month 60 or after and the family is complying with all the TANF rules, the sanctioned family member does not get TANF until their sanction is fully served. The rest of the family will receive TANF.  
  
After the current sanction is fully served, the family member is removed to serve the 60+ month penalty period which is equal to the time of their last sanction imposed. The rest of the family will still get TANF as long as the family continues to follow all the TANF rules.
- e. *60 + months, 3 or more sanctions, with or without a sanction being served, and not complying with all TANF rules:*  
If a family member has received benefits for more than 60 months and they have 3 or more sanctions and are not complying with all TANF rules and they do not have good cause (See 60+ month penalty exceptions), the entire family is closed until the family complies with the rule(s).
- f. *A family closed for 60+ month penalty and later complies:*  
If a family in scenario e. is closed and all family members later comply with all the TANF rules, each family member who caused the closure serves a penalty period equal to the time of their last sanction or penalty imposed. The rest of the family receives TANF as long as all the TANF rules are followed.

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**EXCEPTIONS:**

A 60+ month penalty will not be imposed on families:

1. who have experienced domestic violence as defined in Chapter 1;
2. when the individual who did not comply or other family member has an illness or incapacity, or
3. when the Department determines that good cause exists.

**NOTE:** Supervisors must review and confirm impositions of all sanctions and penalties associated with the 60 month time limit rules. Confirmation includes:

- a. A review to determine the adult has received 60 months of Federal funded TANF benefits.
- b. An examination of the client's sanction history to confirm good cause was explored before a sanction was imposed.

**NOTE:** Non-compliance with rules prior to 11/1/96 do not count towards the 3-sanction count.

- c. A review of the penalty exceptions listed above.

**60 Month Count:**

In determining the number of months for which an individual who is a parent or pregnant has received assistance under a program funded under the TANF Block Grant, The Department will disregard any month for which assistance was provided with respect to the individual and during which the individual was:

- a. a minor child and not the head of a household or married to the head of a household, or
- b. an adult who lived in Indian country during a month when at least 50% of the adults living on the reservation were unemployed or,

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- c. a recipient of Alternative Aid and Emergency Assistance.
- d. A family who received the enhanced earned income disregards, funded with State money, (Enhanced disregards were used in determining the countable income of individuals living in Kennebec, Knox, Lincoln, Penobscot, Piscataquis, Sagadahoc, Waldo, and York counties who earned income from 1/1/98 through 6/30/99.)
- e. a family who received benefits based on incapacity because the second parent or caretaker relative is an SSI recipient, funded with State money.



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Additionally, individual family members, subject to this penalty must comply with all TANF regulations during the penalty period, including participation in ASPIRE-TANF unless exempt or subject to the good cause provisions of ASPIRE-TANF. Good cause for failure to participate in the ASPIREJANF program must be found when there is reasonable and verifiable evidence of:

1. Illness or incapacitation. The individual's illness, incapacity or advanced age, or the illness or incapacity of a household member, that requires the individual to provide care in the home;
2. Sexual harassment. Sexual harassment at a program-approved component;
3. Court-required appearance; incarceration. Court-required appearance or incarceration;
4. Lack of supportive services. Lack or breakdown of necessary supportive services such as child care or transportation with no appropriate alternatives available;
5. Inclement weather. Inclement weather that prevents the individual from traveling to an activity when the weather is severe enough to prevent other individuals from traveling to the same activity;
6. Assignment to another activity. Assignment by the department to an activity or component that has not been made part of the family contract.
7. Remoteness. Participation that requires the individual to travel or relocate outside the individual's immediate geographic area, defined as an area within a 2-hour round trip commute;

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8. Crisis or special circumstance. A crisis or special circumstance that causes an individual to be absent from or discontinue a department activity about which the department has been advised and has determined to constitute good cause;
9. Other good cause. Any other reason resulting in failure to participate that is beyond the control of the individual or that a reasonable person would determine to be good cause; or
10. Domestic Violence. Inability to participate due to domestic violence when the individual is unable to participate because of physical injuries or the psychological effects of the abuse, because of legal proceedings, counseling or other activities related to abuse; because the abuser actively interferes with the individual's participation; because the location puts the individual at risk; or for other good cause related to domestic violence. For the purposes of this subsection, reasonable and verifiable evidence may include but is not limited to the following:
  - A. Court, medical, law enforcement, child protective, social services, psychological or other records that establish that the individual has been a victim of domestic violence; or
  - B. Sworn statements from persons other than the individual with knowledge of the circumstances affecting the individual.
  - C. Visual observation by TANF staff of physical injuries.

After 60 months, if an individual fails to comply with all TANF Program rules without good cause, the household will incur a penalty or become ineligible in accordance with the program rules uniformly applicable to all families receiving TANF benefits.

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At the time of application, and at least annually thereafter, the Department will notify all TANF applicants and recipients of the criteria that must be met to remain eligible beyond sixty months.